

## **District of Columbia 2005 Legislative Initiatives and Sample Language**

### **Late Registration Procedures**

We recommend that the District of Columbia **allow persons recently separated from the Uniformed Services or overseas employment and their family members to be able to register late or be exempt from registration.** Many of these citizens go through a transition period when they first leave the Uniformed Services or overseas employment and may reside in the District of Columbia just prior to an election. This time frame does not meet your normal residency requirements. Often, the date of discharge or termination of overseas employment and registration requirements combine to disenfranchise a discharged military member or overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem. **Twenty-six** states currently allow such procedures.

### **Sample Language**

*An individual, or accompanying family member who has been discharged or separated from the Uniformed Services, merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.*

### **Special Write-In Absentee Ballot**

We also recommend that the District of Columbia provide a special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot in the normal timeframe.** A voter could request a special write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at Embassies and Consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular ballot. They do not know in advance that they need the FWAB. However, if the regular ballot does not arrive in sufficient time for the voter to return the voted ballot and meet the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

It is also important to note that a special write-in ballot usually provides a “full” slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting only for Federal offices. There are presently six states that have expanded the use of the FWAB beyond Federal law. The 1995 revised FWAB

was designed to accommodate its use beyond the general election and Federal offices only.

### **Sample Language**

*If the voter is a U.S. citizen residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or family member and a qualified elector, he or she may request, not earlier than 180 days before an election, a special write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The ballot will be available 90 to 180 days before the election.*

### **Electronic Transmission of Election Materials**

Since the 1990 general election, faxing has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped to ensure that these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Please consider expanding the use of modern technology in the absentee voting process. We realize the District of Columbia allows electronic transmission of the FPCA for registration and absentee ballot request and permits faxing of the absentee ballot when military service prevents the voter from receiving and returning the voted ballot. However, we encourage you to expand the use of this alternative to include electronic transmission of the blank and voted ballots for all military and overseas citizens, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter, on a regular basis, where circumstances would otherwise disenfranchise a citizen. The sample language below would accommodate these alternatives.

### **Sample Language**

*An election official may send blank ballots and accept voted ballots from eligible electors who are members of the United States Uniformed Services, merchant marine, or family members, or qualified electors living outside the United States via electronic transmission.*

### **Expand Use of Federal Write-In Absentee Ballot**

Currently, the Federal Write-In Absentee Ballot (FWAB) may be used **only in general elections for Federal offices only**. This ballot is prepositioned worldwide at Embassies

and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During the 1996 primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Eleven** other states have expanded its use beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB transmission envelope as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the FWAB transmission envelope is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB transmission envelope and FWAB be accepted simultaneously as a registration form and ballot for general elections and Federal offices if:

- (1) the information submitted complies with the District's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.

The adoption of this initiative would save money and alleviate administrative responsibilities on the local election official.

### **Sample Language**

- Expanded use of the FWAB:

*If the voter resides outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local and Federal offices.*

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

*If the voter is residing outside the United States or is a member of the United States Uniformed Services, merchant marine, or a family member, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:*

*(1) the information submitted complies with the registration requirements of the jurisdiction;*

*(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*

*(3) the request is received by the appropriate election official not less than 30 days before the election or by the registration deadline established by the state.*

### **Enfranchise Citizens Who Have Never Resided in the U.S.**

There are many U.S. citizens who have never resided in the U.S. and under current law are not entitled to vote. These are usually first or second-generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in the U.S., they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote.

**Thirteen** states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

### **Sample Language**

*If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.*